

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
David SKUSE et al.	)	Group Art Unit: 6868
	)	
Application No.: 10/538,012	)	Examiner: Shuangyi ABU ALI
	)	
Filed: September 7, 2006	)	
	)	
For: PROCESSING OF INORGANIC	)	Confirmation No.: 6868
PARTICULATE MATERIALS	)	

**MAIL STOP AMENDMENT**

**VIA EFS-Web**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**REPLACEMENT PAGE FIVE TO  
RESPONSE TO OFFICE ACTION FILED AUGUST 31, 2007**

Applicant's Response to Office Action filed August 31, 2007, inadvertently contained a stray sentence fragment on page five, lines 2-4. To remedy that minor typographical error, Applicant submits herewith a replacement page five to that Response with the erroneous fragment removed.

If the Office has any questions regarding this replacement page or the application in general, the Office is invited to contact the undersigned representative at 404-653-6441. While no fees are believed to be necessary for the entry and consideration of this paper, please grant any extensions of time required to enter this paper and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

/Robert C. Stanley/

Dated: October 3, 2007

By: \_\_\_\_\_  
Robert C. Stanley  
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a psd steepness factor ranging from about 55 to about 75, it cannot anticipate the pending claims. Applicant respectfully requests that the rejection be withdrawn.

### **III. Rejections under 35 U.S.C. § 103**

#### **A) Lyons in View of Nishiguchi**

The Office has rejected claims 2-4 and 18 under 35 U.S.C. § 103(a) as obvious over Lyons in view of U.S. Patent No. 5, 879,442 to Nishiguchi et al. ("Nishiguchi"). The Office admits that Lyons is silent with regards to the ratio of the amount of GCC to PCC, but believes that Nishiguchi teaches the claimed ratios and that it would have been obvious to the skilled artisan to have combined the teachings of Lyons with the ratio of Nishiguchi. See Office Action at 6. Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to have modified the reference or to have combined references' teachings in an effort to achieve the subject matter of the rejected claims. Second, the skilled artisan must have had a reasonable expectation of success in making the asserted modification or combination. Finally, the reference or references must teach or suggest all the claim limitations. See MPEP § 2143. The recent decision in *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (April 30, 2007), recognized that a showing of "teaching, suggestion, or motivation" could provide helpful insight in determining whether the claimed subject